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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,807

12/04/2003

Kevin Michael Fallis

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09/29/2006

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EXAMINER

NGUYEN, MERILYN P

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,807

Applicant(s)

FALLIS ET AL.

Examiner

Merilyn P. Nguyen

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) 1-7 and 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☒ Other: Detailed Action.

DETAILED ACTION

1. Claims 1-26 are pending in this action.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I) Claims 1-7, drawn to one or more computer-readable media having computer-useable instructions to perform a method of tracking the progressing of a switch transaction through one or more communications components, classified in class 707, subclass 205.
 - II) Claims 8-16, drawn to a method for facilitating telecommunications network configuration-transaction processing by maintaining tables, classified in class 707, subclass 200.
 - III) Claims 17-20, drawn to one or more memories for storing data associated with creating a transaction-audit trail, comprising data structure which includes a transaction-progression table that tracks transaction statuses, classified in class 707, subclass 102.
 - IV) Claims 21-25, drawn to a data structure for monitoring the progression of a telecommunications switch transaction comprising first table and second table, classified in class 707, subclass 100.
 - V) Claims 26, drawn to a method for increasing the efficiency of a communication network comprising storing business data in a table separate from transaction data, classified in class 707, subclass 2.

The inventions are distinct, each from the other because of the following reasons:

Art Unit: 2163

3. Inventions I, II, III, IV, and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are they have different modes of operation, group I performs a method of tracking the progressing of a switch transaction through one or more communications components, group II performs a method for facilitating telecommunications network configuration-transaction processing by maintaining tables and group III describes one or more memories for storing data associated with creating a transaction-audit trail, comprising data structure which includes a transaction-progression table that tracks transaction statuses, group IV describes a data structure for monitoring the progression of a telecommunications switch transaction comprising first table and second table, and group V performs a method for increasing the efficiency of a communication network comprising storing business data in a table separate from transaction data, which normally dictates the effects or demonstrates the result of the scope of the invention.

4. Because these inventions are independent or distinct for the reasons given above and there would be a burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 2163

6. During a telephone conversation with Mr. Camacho, Jesse, registration number 51258, on September 20, 2006 a provisional election was made with traverse to prosecute the invention of Group 2, claims 8-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-7 and 17-26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

8. The disclosure is objected to because of the following informalities: the title of the invention is lengthy. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

Appropriate correction is required.

Drawings

Art Unit: 2163

9. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method steps must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Figures 2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As set forth in MPEP 21 06(II)A:

Identify and understand Any Practical Application Asserted for the Invention The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96),¹ In re Ziegler, 992, F.2d 1 197, 1200-03, 26 USPQZd 1600, 1603-06 (Fed. Cir. 199334. Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQZd at 1036. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make the invention eligible for patenting. For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some "real world" value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is

Art Unit: 2163

achieved under the practical application requirement. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application.

The claimed invention is subject to the test of State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Specifically State Street sets forth that the claimed invention must produce a "useful, concrete and tangible result". The Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states in section IV C. 2 b. (2) (on page 21 in the PDF format):

The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a §101 judicial exception, in that the process claim must set forth a practical application of that §101 judicial exception to produce a real-world result.

Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial practical application").

In the present case, claimed invention (Claim 16) recites one or more computer-readable media that is defined in the Applicant's specification broader to read on communications media stored instructions in a modulated data signal. The modulated data signal refers to a propagated signal and a carrier wave or other transport mechanism. (Pages 8-9, paragraphs [0028] and [0030]). Data signal is not a process, machine, manufacture, nor composition of matter, thus is a non statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 8-10 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Claus (US 5,559,313).

Regarding claim 8, Claus discloses a machine-implemented method for facilitating telecommunications network configuration-transaction processing (See column 3 to 6), the method comprising:

- maintaining a first table that stores transaction-independent data (business table) (See col. 2, lines 62-65 and col. 3, lines 6-7 and 25-30);
- maintaining a second table that stores transaction-dependent data (transaction table) (See 2, lines 62-65 and col. 3, lines 13-16);
- linking the first table to the second table by a transaction identifier (See col. 5, line (See col. 5, line 8-18); and
- without user intervention, iteratively updating the second table but not the first table incident to one or more predetermined substeps of the configuration transaction (See col. 6, lines 13-15 and col. 10, lines 25-31).

Regarding claim 9, Claus discloses wherein transaction-independent data includes business data and transaction-dependent data includes transaction data (See col. 6, lines 5-15).

Art Unit: 2163

Regarding claim 10, Claus discloses wherein said transaction data includes one or more selections from the following: a transaction status; a status date; a transaction date (DATE, Fig. 6 and col. 6, lines 13-15); and a requestor name.

Regarding claim 12, Claus discloses wherein the business data is data that persists unchanged throughout the duration of processing the configuration transaction (See Fig. 5, Business table 504).

Regarding claim 13, Claus discloses wherein the transaction data is data that is limited to a lifespan of a transaction (See Fig. 6, Transaction table 606, 607, 608).

Regarding claim 14, Claus discloses wherein data that is limited to a lifespan of a transaction includes one or more selections from the following:

a status (type) (Fig. 6); and/or

a time stamp.

Regarding claim 15, Claus discloses wherein iteratively updating the second table includes writing successive rows, each associated with a status of the one or more predetermined substeps (See col. 10, lines 25-31).

Art Unit: 2163

Regarding claim 16, clause discloses one or more computer-readable media having computer-useable instructions that, when executed by a machine, perform the method of claim 8 (See col. 5 to 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Claus (US 5,559,313), in view of Applicant's Admitted Prior Art (page 1, paragraph [0005]).

Regarding claim 11, Clause discloses all of the claimed subject matter as set forth above except Claus is silent as to the business data includes one or more selections from an NPA code; an NPA-NXX code; a network element identifier, including an internal identifier and a CLLI; a Station Range; a trunk; and/or a trunk group. Applicant admits that the business data includes one or more selections from an NPA code; an NPA-NXX code; a network element identifier, including an internal identifier and a CLLI; a Station Range; a trunk; and/or a trunk group was known at the time the invention was made (See page 1, paragraph [0005]). Since NPA code, NPA-NXX code, network element identifier, including an internal identifier and a CLLI, a Station Range, a trunk; and/or a trunk group was readily available, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the

Art Unit: 2163

well known business types as disclosed by Applicant's Admitted Prior Art as the business data of Claus. Because the difference are only found in the nonfunctional descriptive material, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sutter U.S Patent No. 6,446,092 discloses independent distributed database system.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 571-272-4026.

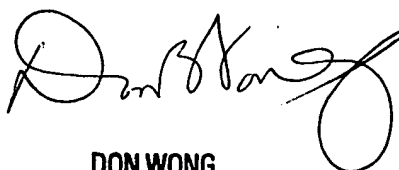
The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MN
September 20, 2006



DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100